

**RECEIVED
CENTRAL FAX CENTER**Appl. No. 10/708,822
Attorney Docket No. 60655.8300**DEC 14 2006****REMARKS**

Applicants reply to the Office Action mailed on October 19, 2006 within two months. Thus, Applicants request an Advisory Action, if necessary. Claims 1-22 were pending and the Examiner rejects claims 1-22. Applicants amend various claims and address the Examiner's remarks. Support for the amendments may be found in the originally-filed specification, claims, and figures. No new matter has been introduced by these amendments. Reconsideration of this application is respectfully requested.

Applicants respectfully assert that the subject matter of the various claims was commonly owned at the time the inventions covered therein were made and therefore, Applicants have complied with 37 C.F.R. § 1.56.

Claim Rejections**§103(a) Rejections**

Claims 1-13 and 1722 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Black, U.S. 6,925,565 ("Black") in view of Elledge U.S. 6,609,656 ("Elledge"). Claim 13 further stands rejected over Black/Elledge in view of Martizen et al. as cited in the previous Office Action. Claim 14 stands rejected over Black/Elledge/Martizen in view of Moebs as cited in the previous Office Action. Claim 15 stands rejected over Black/Elledge in view of Teicher as cited in the previous Office Action. Claim 16 stands rejected over Black/Elledge in view of Goodman as cited in the previous Office Action. Claim 19 stands rejected over Black/Elledge in view of Haala as cited in the previous Office Action or alternatively in view of Black U.S. 2005/0122209 ("Black II").

Black is directed towards the use of biometric authentication in connection with various known transaction devices, such as an RFID device having a single transponder. Elledge is

AmExp 200501423

6

1927399.1

Appl. No. 10/708,822
Attorney Docket No. 60655.8300

directed generally towards use of individual registered transponders on numerous unassociated devices for detection of lost or stolen devices. Martizen is directed generally towards associating biometric samples with user and account information. In contrast, the presently claimed invention is directed towards a multi-transponder system and method in which biometric samples are used to select or include transponders for use in completing a transaction.

The Office Action asserts "that it is obvious that the system of Black is used in an environment, which includes many users, location, and transponders." The present claims, in contrast, are not directed towards unassociated transponders of different users in different locations, but rather to first and second associated transponders. For example, paragraph [0070] describes use of "a biometric sensor and biometric membrane configured to operate as switch 230 and activate fob 102 when provided biometric signal from fob user." Paragraph [0073] describes a fob "configured to include a first and second RF module (e.g., transponder) where the first module may operate using a 134 MHz frequency and the second RF module may operate using a 13.56 MHz frequency . . . fob 102 may be configured to prioritize selection of the one or the other frequency and reject the remaining frequency [or] to prioritize selection of one or the other frequency and reject the remaining frequency."

Thus, while Black, Elledge, Martizen, Moebs, Teicher, Haala, Goodman, and Black II may disclose various wireless transaction and biometric security technologies, neither Black, Elledge, Martizen, Moebs, Teicher, Haala, Goodman, Black II, nor any combination thereof, disclose or suggest at least "a first transponder responsive to a first RF interrogation signal from a reader; a second transponder associated with said first transponder and responsive to a second RF interrogation signal, said first RF interrogation signal distinct from said second RF interrogation signal; . . . a verification device configured to verify said proffered biometric

AmExp 200501423

7

1927399.1

RECEIVED
CENTRAL FAX CENTER

DEC 14 2006

Appl. No. 10/708,822
Attorney Docket No. 60655.8300

sample to selectively activate one of said first and second transponders to facilitate a payment transaction" as recited in previously presented independent claim 1. (emphasis added).

Accordingly, Applicants assert that claim 1 is patentable over the cited references. Similarly, claims 2-22 variously depend from claim 1 and contain all of the elements thereof. Therefore, Applicants respectfully submit that these claims are differentiated from the cited reference at least for the same reasons as set forth above, in addition to their own respective features. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 1-22.

CONCLUSION

Applicants respectfully submit that the pending claims (22 total, 1 independent) are in condition for allowance. The Commissioner is hereby authorized to charge any fees that may be required, or credit any overpayment, to Deposit Account No. 19-2814. Applicants invite the Examiner to telephone the undersigned if the Examiner has any questions regarding this Reply or the application in general.

Respectfully submitted,

Dated: December 14, 2006By: Kirk DoriusKirk Dorius
Reg. No. 54,073

SNELL & WILMER L.L.P.
400 E. Van Buren
One Arizona Center
Phoenix, Arizona 85004
Phone: 602-382-6544
Fax: 602-382-6070
Email: kdorius@swlaw.com

AmExp 200501423

8

1927399.1